IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 4TH DECEMBER 2007 / 13TH AGRAHAYANA 1929

W.P(C).No. 35833 of 2007(N)

PETITIONER:

MOHAMMED RIYAZ, AGED 36 YEARS,
S/O.M.M.SAYED MOHAMMED,
CALTEX HOUSE,
KANJIRAPPALLY.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:
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1. **DISTRICT COLLECTOR,**
   KOTTAYAM.

2. **TAHSILDAR,**
   KANJIRAPPALLY VILLAGE.

3. **SALES TAX OFFICER,**
   SALES TAX OFFICE,
   PONKUNNAM.

BY GOVT. PLEADER, SRI.GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 35833 OF 2007 - N

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Dated this the 4th day of December, 2007

J U D G M E N T

Petitioner submits that the liability that was undertaken by his father in a surety bond that was executed, was only to the extent of Rs.50,000/-. It is complained that acting on the strength of the surety bond, the property in the possession of the petitioner is now attached for a liability of Rs. 49,61,600/-. Contending that the liability cannot at any rate exceed Rs.50,000/- the petitioner has also filed Ext. P4 petition before the 1st respondent.

2. The prayer now made is that the 1st respondent should be directed to consider Ext. P4 with opportunity to the petitioner and pass orders thereon. In view of the definite contention raised by the petitioner as above, I do not find any justification to decline the prayer. Accordingly, I dispose of this writ petition directing that the 1st respondent shall consider Ext. P4 petition as expeditiously as possible, at any rate within four weeks of receipt of a copy of this

judgment. Before final orders are passed on Ext. P4 notice, shall be given to the petitioner to make his representations in the matter.

In the meantime further proceedings pursuant to Ext. P3 shall be deferred.

ANTONY DOMINIC
JUDGE

jan/-